

# SENATE BILL No. 337

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-1; IC 25-20.7.

**Synopsis:** Registering interior designers. Requires the secretary of state to register interior designers. Establishes the requirements for registration and fees. Requires the secretary of state to deposit the fees into the electronic and enhanced access fund. Provides that a person: (1) may not use the title "registered interior designer" or any title designation sign, card, or device indicating the person is a registered interior designer unless the person has a certificate of registration; and (2) is ineligible for registration if the person has a civil judgment for negligence, recklessness, willful misconduct, or another breach of a standard of care in the practice of interior design entered against the person.

**Effective:** July 1, 2009.

**Kruse**

January 8, 2009, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 337

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 25-1-2-2.1, AS AMENDED BY P.L.3-2008,  
2       SECTION 175, IS AMENDED TO READ AS FOLLOWS  
3       [EFFECTIVE JULY 1, 2009]: Sec. 2.1. Rather than being issued  
4       annually, the following permits, licenses, certificates of registration, or  
5       evidences of authority granted by a state agency must be issued for a  
6       period of two (2) years or for the period specified in the article under  
7       which the permit, license, certificate of registration, or evidence of  
8       authority is issued if the period specified in the article is longer than  
9       two (2) years:

- 10       (1) Certified public accountants, public accountants, and
- 11       accounting practitioners.
- 12       (2) Architects and landscape architects.
- 13       (3) Dry cleaners.
- 14       (4) Professional engineers.
- 15       (5) Land surveyors.
- 16       (6) Real estate brokers.
- 17       (7) Real estate agents.



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(8) Security dealers' licenses issued by the securities commissioner.

(9) Dental hygienists.

(10) Dentists.

(11) Veterinarians.

(12) Physicians.

(13) Chiropractors.

(14) Physical therapists.

(15) Optometrists.

(16) Pharmacists and assistants, drugstores or pharmacies.

(17) Motels and mobile home community licenses.

(18) Nurses.

(19) Podiatrists.

(20) Occupational therapists and occupational therapy assistants.

(21) Respiratory care practitioners.

(22) Social workers, marriage and family therapists, and mental health counselors.

(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.

(24) Wholesale legend drug distributors.

(25) Physician assistants.

(26) Dietitians.

(27) Hypnotists.

(28) Athlete agents.

(29) Manufactured home installers.

(30) Home inspectors.

(31) Massage therapists.

**(32) Interior designers.**

SECTION 2. IC 25-1-7-1, AS AMENDED BY P.L.3-2008, SECTION 178, AND AS AMENDED BY P.L.134-2008, SECTION 16, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

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"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (~~IC 25-5-1-1~~; IC 25-38.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors

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(IC 25-21.5-2-1).

(30) Physician assistant committee (IC 25-27.5).

(31) Indiana athletic trainers board (IC 25-5.1-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana hypnotist committee (IC 25-20.5-1-7).

(34) Indiana physical therapy committee (IC 25-27).

(35) Manufactured home installer licensing board (IC 25-23.7).

(36) Home inspectors licensing board (IC 25-20.2-3-1).

(37) State department of health, *for out-of-state mobile health care entities*.

(38) State board of massage therapy (IC 25-21.8-2-1).

**(39) Office of the secretary of state for purposes of registering interior designers (IC 25-20.7).**

~~(39)~~ **(40)** Any other occupational or professional agency created after June 30, 1981.

SECTION 3. IC 25-1-11-1, AS AMENDED BY P.L.3-2008, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) State board of cosmetology examiners (IC 25-8-3-1).

(7) State board of registration of land surveyors (IC 25-21.5-2-1).

(8) State board of funeral and cemetery service (IC 25-15-9).

(9) State board of registration for professional engineers (IC 25-31-1-3).

(10) Indiana plumbing commission (IC 25-28.5-1-3).

(11) Indiana real estate commission (IC 25-34.1-2-1).

(12) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(13) Private investigator and security guard licensing board (IC 25-30-1-5.2).

(14) Manufactured home installer licensing board (IC 25-23.7).

(15) Home inspectors licensing board (IC 25-20.2-3-1).

(16) State board of massage therapy (IC 25-21.8-2-1).

**(17) Office of the secretary of state (IC 25-20.7).**

SECTION 4. IC 25-20.7 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,

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## **ARTICLE 20.7. INTERIOR DESIGNERS**

### **Chapter 1. Application**

**Sec. 1. This article applies to a person who practices interior design after December 31, 2009.**

**Sec. 2. This article does not apply to an owner or employee of a manufacturing, wholesale, or retail establishment who provides consultation regarding interior decoration or furnishing:**

- (1) on the premises of the establishment;**
- (2) for purposes of an actual or prospective retail sale; or**
- (3) the design, construction, ordering, or sale of:**
  - (A) recreational vehicles;**
  - (B) manufactured homes certified through the United States Department of Housing and Urban Development; or**
  - (C) industrialized building systems certified through the department of homeland security.**

**Sec. 3. This article does not apply to a person who:**

- (1) does not profess to be a registered interior designer; and**
- (2) is:**
  - (A) an architect registered under IC 25-4; or**
  - (B) a professional engineer registered under IC 25-31.**

### **Chapter 2. Definitions**

**Sec. 1. The definitions in this chapter apply throughout this article.**

**Sec. 2. "Applicant" means an interior designer who applies for a certificate of registration under this article.**

**Sec. 3. "ARE" refers to the Architectural Registration Exam.**

**Sec. 4. (a) "Interior design" means client consultation and preparation and administration of design documents that include:**

- (1) design studies;**
- (2) drawings;**
- (3) schedules;**
- (4) specifications; and**
- (5) contracts;**

**relating to nonstructural and nonseismic interior elements of a building or structure.**

**(b) The term includes design documents for space plans, reflected ceiling plans, egress, ergonomics, and the design or specification of fixtures, furnishings, equipment, cabinetry, lighting, materials, finishes, and interior construction that does not materially affect the building system.**

**(c) The term does not include the architectural and engineering**

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design of interior construction.

Sec. 5. "Interior designer" means a person who practices interior design.

Sec. 6. "NCIDQ" refers to the National Council for Interior Design Qualification.

Sec. 7. "Nonstructural or nonseismic" means interior elements or components that:

- (1) are not load bearing or do not assist in the seismic design of a building;
- (2) do not require design computations for the structure of a building; and
- (3) do not include the structural frame system supporting a building.

The term includes ceiling and partition systems that employ normal and typical bracing conventions and are not part of the structural integrity of the building.

Sec. 8. "Out-of-state applicant" means an individual who is:

- (1) an interior designer registered or licensed under the laws of another state, a foreign country, or a province in a foreign country; and
- (2) an applicant for a certificate of registration under this article.

Sec. 9. "Reflected ceiling plan" means a ceiling design that illustrates a ceiling as if the ceiling were projected downward and may include lighting elements.

Sec. 10. "Registered interior designer" means a person registered under this article.

Sec. 11. "Secretary of state" means the office of the secretary of state.

Sec. 12. "Space planning" means the analysis of design or spatial and occupancy requirements, including space layouts and final planning.

### Chapter 3. Registration Requirements

Sec. 1. (a) The secretary of state shall maintain a registry of all interior designers who:

- (1) apply for and meet the registration requirements under this article; and
- (2) pay the annual registration fee.

(b) The registry must:

- (1) be maintained in an electronic format; and
- (2) include the:

- (A) name of each registered interior designer; and

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(B) date the interior designer registered with the secretary of state under this article.

**Sec. 2. The secretary of state shall issue a certificate of registration to an applicant who does the following:**

(1) Applies for the certificate of registration on a form prescribed by the secretary of state.

(2) Meets the requirements of this article.

(3) Pays the registration fee under section 5 of this chapter.

**Sec. 3. The secretary of state shall issue a certificate of registration to an applicant who satisfies section 2 of this chapter and the following:**

(1) Meets one (1) of the following requirements:

(A) Completes a degree in interior design or a similar discipline from an accredited college or university.

(B) Obtains:

(i) four (4) years of interior design higher education and two (2) years of full-time work experience in interior design;

(ii) three (3) years of interior design higher education and three (3) years of full-time work experience in interior design; or

(iii) two (2) years of interior design education and four (4) years of full-time work experience in interior design.

(2) Except as provided in section 4 of this chapter, an applicant must pass:

(A) the examination administered by the NCIDQ; or

(B) the ARE.

**Sec. 4. The examination requirement under section 3(2) of this chapter is waived if the applicant holds:**

(1) a valid license or certificate in interior design from an authority in another jurisdiction that has standards substantially equivalent to the standards established under this article; and

(2) a current certificate issued by the NCIDQ or documentation of the successful completion of the ARE.

**Sec. 5. (a) The secretary of state shall collect the following fees under this article:**

(1) An initial registration fee of one hundred dollars (\$100).

(2) A biennial renewal fee of one hundred dollars (\$100).

(3) A restoration fee of three hundred dollars (\$300).

(b) The fees collected by the secretary of state under this article shall be deposited into the electronic and enhanced access fund

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established by IC 4-5-10-5.

**Sec. 6. To qualify for registration under this article, the applicant must not have a conviction for:**

- (1) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or
- (2) a felony that has a direct bearing on the applicant's ability to practice competently.

**Sec. 7. The secretary of state shall grant a certificate of registration to an out-of-state applicant on the following conditions:**

- (1) The out-of-state applicant must:
  - (A) be at least eighteen (18) years of age; and
  - (B) pay the fee under section 5 of this chapter.
- (2) The out-of-state applicant must:
  - (A) pass:
    - (i) the examination administered by the NCIDQ; or
    - (ii) the ARE; or
  - (B) hold a valid license or certificate of registration in interior design from an authority in another jurisdiction that has standards substantially equivalent to the standards established under this article.
- (3) The out-of-state applicant must not have been convicted of:
  - (A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or
  - (B) a felony that has a direct bearing on the applicant's ability to practice competently.

**Sec. 8. A registered interior designer shall display the certificate of registration in a conspicuous place in the:**

- (1) principal office;
- (2) place of business; or
- (3) place of employment;

**of the registered interior designer.**

**Sec. 9. The secretary of state may issue a certificate of registration to an applicant who completes the requirements under section 2 of this chapter if the applicant provides proof to the secretary of state that:**

- (1) the applicant has:
  - (A) received at least two (2) years of interior design education; and
  - (B) practiced in the field of interior design for at least ten (10) years; or

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(2) the applicant has practiced interior design for at least fifteen (15) years.

**Sec. 10.** The secretary of state shall keep a register of all applicants who apply for a certificate of registration, showing for each applicant:

- (1) the date of application;
- (2) the name, age, and other qualifications;
- (3) the place of business;
- (4) the place of residence;
- (5) whether the applicant was denied or granted a certificate of registration under this article; and
- (6) the date the applicant was denied or granted a certificate of registration.

**Chapter 4. Renewal and Restoration of a Certificate of Registration**

**Sec. 1.** A registered interior designer who applies to renew a certificate of registration under this chapter must:

- (1) furnish evidence showing successful completion of the continuing education requirements under section 3 of this chapter; and
- (2) pay the renewal fee under IC 25-20.7-3-5.

**Sec. 2.** The secretary of state shall do the following:

- (1) Send renewal notices electronically or in hard copy in accordance with IC 25-1-2-6(c).
- (2) Accept a credit card, cash, a draft, a money order, a cashier's check, or a certified or other personal check for a payment of the renewal fee. If the secretary of state receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the secretary of state may void the certificate of registration for which the check was received.

**Sec. 3.** A registered interior designer must complete at least twelve (12) hours of continuing education in interior design or a discipline related to the practice of interior design for the renewal of a certificate of registration under this chapter.

**Sec. 4. (a)** A registered interior designer who continues to actively practice interior design shall:

- (1) renew the certificate of registration not more than ninety (90) days before the expiration of the certificate; and
- (2) pay the renewal fee under IC 25-20.7-3-5.

**(b)** Subject to subsection (c), a registered interior designer who fails to renew the interior designer's certificate of registration for

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a period of not more than five (5) years after the date the certificate of registration expires may have the certificate of registration renewed at any time within the five (5) year period after the certificate of registration expires upon:

(1) making application to the secretary of state for renewal of the certificate of registration; and

(2) paying a renewal fee equal to the sum of the renewal fees that the applicant would have paid if the applicant had regularly renewed the certificate of registration during the period the certificate of registration lapsed.

(c) If a registered interior designer desires to retire from the practice of interior design in Indiana, the interior designer may submit to the secretary of state a verified statement of intention to withdraw from practice. The statement shall be entered in the records of the secretary of state. During the period of the interior designer's retirement, the interior designer is not liable for any renewal or restoration fees. If a retired interior designer desires to return to the practice of interior design in Indiana not later than five (5) years after the date the interior designer files a statement under this subsection, the retired interior designer must:

(1) file with the secretary of state a verified statement indicating the interior designer's desire to return to the practice of interior design; and

(2) pay:

(A) the renewal fee under IC 25-20.7-3-5 to renew an unexpired certificate of registration under this chapter, if the retired interior designer's certificate of registration is renewed for one (1) year or more in a biennial renewal cycle; or

(B) a renewal fee equal to one-half (1/2) the renewal fee under IC 25-20.7-3-5 to renew an unexpired certificate of registration under this chapter, if the retired interior designer's certificate of registration is renewed for less than one (1) year in a biennial renewal cycle.

(d) After the five (5) year period set forth in subsection (c), a retired registered interior designer who desires to return to the practice of interior design in Indiana must:

(1) apply to the secretary of state for a new certificate of registration;

(2) pay the initial registration fee under IC 25-20.7-3-5; and

(3) meet the requirements of this article.

Sec. 5. After the five (5) year period set forth in section 4(b) of

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1 this chapter, an interior designer whose certificate of registration  
 2 has expired may have the certificate of registration restored only  
 3 upon:

- 4 (1) making application to the secretary of state for restoration
- 5 of the certificate of registration; and
- 6 (2) paying the restoration fee under IC 25-20.7-3-5.

7 **Chapter 5. Restrictions; Enforcement**

8 **Sec. 1. (a)** A person may not use the title "registered interior  
 9 designer" or any title designation sign, card, or device indicating  
 10 that the person is a registered interior designer unless the person  
 11 has registered with the secretary of state under this article.

12 **(b)** A person may not:

- 13 (1) present as the person's own a certificate of registration
- 14 under this article of another person;
- 15 (2) give any false or forged evidence of any kind:
- 16 (A) to the secretary of state; or
- 17 (B) in obtaining a certificate of registration;
- 18 (3) impersonate any other registered interior designer; or
- 19 (4) use an expired, suspended, or revoked certificate of
- 20 registration.

21 **(c)** A person who recklessly, knowingly, or intentionally violates  
 22 this section commits a Class B misdemeanor.

23 **Sec. 2.** The secretary of state may suspend or revoke a  
 24 certificate of registration under this article for a violation under  
 25 section 1(b) of this chapter.

26 **Sec. 3.** This article does not prevent a person from practicing  
 27 interior design if the person does not use a title or designation  
 28 under section 1(a) of this chapter.

29 **Sec. 4. (a)** If an interior designer has a civil judgment entered  
 30 against the interior designer by a court with jurisdiction in a civil  
 31 judicial proceeding for negligence, recklessness, willful misconduct,  
 32 or other breach of a standard of care in the practice of interior  
 33 design, the secretary of state shall immediately revoke the interior  
 34 designer's certificate of registration under this article.

35 **(b)** An interior designer who has a civil judgment described in  
 36 subsection (a) entered against the interior designer may not be  
 37 registered under this article.

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